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9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 JUAN LUIS-RICO,

14 Defendant.
15

Case No.: 2:20-cr-00156-RFB-DJA

**MOTION TO CONTINUE
SENTENCING
(Second Request)**

(Under Seal)

16
17 The United States of America hereby moves, by and through Christopher Chiou,
18 Acting United States Attorney, Andrew Duncan, Assistant United States Attorney, and
19 Jacob Operskalski, Assistant United States Attorney, counsel for the United States of
20 America, that the sentencing hearing currently scheduled for March 10, 2022, be vacated
21 and reset to a date and time convenient to this Court, but no sooner than thirty (30) days
22 from the current sentencing date.

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24 ///

1 The Government so moves for the following reasons:

2 1. The defendant has not yet met with the Government pursuant to 18 U.S.C.
3 § 3553(f)(5) – as required to be eligible for the safety valve provision. A brief continuance
4 will help facilitate that meeting.

5 2. Counsel for the United States and for the defendant have met and conferred
6 and defense counsel does not object to this motion.

7 3. This request is made by motion rather than by stipulation because defense
8 counsel will not have an opportunity to speak with the defendant in order to obtain his
9 position regarding a stipulation in short order.

10 4. Additionally, denial of this request for a continuance could result in a
11 miscarriage of justice.

12 5. The additional time requested by this motion is made in good faith and not
13 for purposes of delay.

14 6. This is the second request to continue the sentencing hearing (the first being
15 by stipulation).

16 7. The parties request this motion and any resulting Order be filed under seal
17 because of the reference to 18 U.S.C § 3553(f)(5).

18 DATED this 3rd day of March, 2022.

19 Respectfully submitted,

20 CHRISTOPHER CHIOU
Acting United States Attorney

21 /s/Andrew Duncan
22 ANDREW DUNCAN
Assistant United States Attorney

23 /s/Jacob Operskalski
24 JACOB OPERSKALSKI
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 JUAN LUIS-RICO,

7 Defendant.

Case No.: 2:20-cr-00156-RFB-DJA

**ORDER TO CONTINUE
SENTENCING (SECOND
REQUEST)**

(Under Seal)

8 Based on the unopposed motion of the United States, the sentencing hearing in this
9 matter is hereby continued. The ends of justice served by granting said continuance
10 outweigh the best interests of the public and the defendant in a speedy sentencing, since
11 failure to grant said continuance would be likely to result in a miscarriage of justice, and
12 would deny the parties herein sufficient time and the opportunity within which to be able
13 to effectively and thoroughly prepare for sentencing, taking into account the exercise of
14 due diligence.

15 IT IS HEREBY ORDERED that the sentencing in the above-captioned matter
16 currently scheduled for March 10, 2022 at 10:00 a.m., be vacated and continued to
17 April 21, 2022, at 11:00 a.m.

18 DATED: March 3, 2022

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20 HONORABLE RICHARD F. BOULWARE
21 UNITED STATES DISTRICT JUDGE
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